

**UNITED STATES BANKRUPTCY COURT
FOR THE WESTERN DISTRICT OF PENNSYLVANIA**

IN RE:	:	Case No. 17-23771-JAD
	:	
BERNARD F. MURPHY, and	:	Chapter 13
JODI M. MURPHY,	:	
Debtors.	:	Related to Doc. No.: 152
	:	
BERNARD F. MURPHY, and	:	Hearing Date: 2/24/2022
JODI M. MURPHY,	:	
Movants,	:	Hearing time: 10:00 AM
	:	
v.	:	
	:	
EDUCATIONAL CREDIT	:	
MANAGEMENT CORPORATION,	:	
Respondent.	:	

**OBJECTION OF EDUCATIONAL CREDIT MANAGEMENT CORPORATION TO
MODIFICATION OF AMENDED CHAPTER 13 PLAN**

Movant, Educational Credit Management Corporation (“ECMC”), by and through its attorneys, Barley Snyder, hereby files its objection to the confirmation of Debtors’ Amended Chapter 13 Plan, and in support thereof, avers as follows:

1. The Debtors filed a voluntary petition under Chapter 13 of the United States Bankruptcy Code on September 20, 2017 to Docket #17-23771-JAD. ECF No 1.
2. On October 20, 2017, Pennsylvania Higher Education Assistance Authority (“PHEAA”) filed a proof of claim for unsecured student loan debt in the amount of \$3,659.31 (“Student Loans”).
3. On November 2, 2017, the Court confirmed Debtors’ Chapter 13 Plan. ECF No. 25.
4. On July 18, 2018, PHEAA assigned all rights, title and interest in the Student Loans to ECMC. ECF No. 37.

5. On July 16, 2021, the Court confirmed Debtors' Amended Chapter 13 Plan ("Amended Plan"). ECF No. 121.

6. On January 21, 2022, Debtors filed a proposed Modification to the Amended Chapter 13 Plan ("Modification"). ECF No. 152.

7. The Modification and Amended Plan do not specifically exempt the Student Loans from discharge.

8. Pursuant to Section 523(a)(8) of the United State Bankruptcy Code, a discharge under chapter 13 does not discharge an individual debtor from any debt for "an educational benefit overpayment or loan made, insured, or guaranteed by a governmental unit, or made under any program funded in whole or in part by a governmental unit or nonprofit institution." 11 U.S.C. § 523(a)(8)(A)(i).

9. The Student Loans were made for an educational benefit and were guaranteed by PHEAA, a governmental unit.

10. Accordingly, the Student Loans are not dischargeable and Debtors' attempt to discharge the same is illegal under Section 523(a)(8) of the Bankruptcy Code.

11. To the extent that Part 9.1 of the Modification purports to discharge the Student Loans under the Modification and Amended Plan, ECMC objects to the same as contrary to law.

12. For the reasons stated above, ECMC hereby objects to the Modification and Amended Plan.

WHEREFORE, the Objector, Educational Credit Management Corporation, respectfully requests that modification of Debtors' Amended Chapter 13 Plan be denied.

BARLEY SNYDER

Date: February 11, 2022

By: /s/ John M. Quain Jr.
John M. Quain Jr., Esquire
Attorneys for Movant,
Educational Credit Management Corp.
Court I.D. #311983
213 Market Street, 12th Floor
Harrisburg, PA 17101
(717) 231-6603

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EDUCATIONAL CREDIT	:	
MANAGEMENT CORPORATION,	:	
Respondent.	:	

CERTIFICATE OF SERVICE

I hereby certify that on the 11th day of February, 2022, a true and correct copy of ECMC's Objection to the Modification of the Amended Chapter 13 Plan was served electronically upon:

Attorney for Debtor

Dai Rosenblum
254 New Castle Road, Suite B
Butler, PA 16001

Service was also made by depositing same in the U.S. First Class Mail, postage prepaid, upon:

Chapter 13 Trustee

Ronda J. Winnecour, Esq.
Suite 3250, USX Tower
600 Grant Street
Pittsburgh, PA 15219

U.S. Trustee

Office of the US Trustee
1001 Liberty Avenue, Suite 970
Pittsburgh, PA 15222

Debtor

Bernard and Jodi Murphy
9817 South Tripp Avenue
Oak Lawn, IL 60453

BARLEY SNYDER

Dated: February 11, 2022

By: /s/ Sharon Romig
Sharon Romig